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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/404,233 09/23/99 BANKSTAHL

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CORRIGAN LAW OFFICE
5 BRIARCLIFF CT
APPLETON WI 54915

MM91/0918

EXAMINER

LAM, T ART UNIT	PAPER NUMBER
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2834
DATE MAILED:

09/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/404,233

Applicant(s)
Bankstahl

Examiner
Thanh Lam

Art Unit
2834



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 19-34 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-34 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 19-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

Art Unit: 2834

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last office action and advisory action are persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

2. Applicant's arguments filed on 08/13/01 with respect to claims 1-10, and 19-31 have been fully considered but they are not persuasive.

In response to applicant's argument that "bosses 22 as configured in Acker cannot provide concentric alignment of the rotor with the stator" It is note that the bosses and bolts of acker are parts of the combination structure (a pilot ring, a shaft for carrying rotor, generator housing, bosses and bolts) which serves for alignment the rotor with the stator. Furthermore, the combination structure of Acker cannot be alignment without the bosses and bolts. Therefore; the bosses are inherently served for alignment the rotor with the stator.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Art Unit: 2834

4. Claims 1-6,8-10,19-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Acker et al.

Acker et al. disclose an engine powered generator comprising: an engine (10) has an output shaft (12) rotating about an axis; a plate/wall (16) mounted to the engine; a generator (29) mounted to the plate, including a rotor (36), a stator (40) to a circular cross section housing (fig. 1), the stator is permanently secured in the housing; and at least three or six of cylindrical pins (22) disposed on the plate, each of the pins tangentially contacts an inner and outer housing surface, to concentrically align the stator and the rotor (col. 3, ln. 32-40 and col. 4, lines 58-62)

Regarding claims 19-25, the method therein is inherent given the apparatus of acker et al.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over acker et al.

Acker et al. disclose the claimed invention except for the shape of the pin is a dowel shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pins as taught by Acker et al. in a dowel shape since it was known in the art that modifying the shape of the pins would function equally well with the claimed invention.

Art Unit: 2834

Allowable Subject Matter

7. The following is a statement of reasons for the indication of allowable subject matter: claims 32-34 has been allowed.

Prior art of record fails to disclose a specific structure of a power generator comprising pins disposed on a plate to contact a non closed inner surface of a pilot hole of the generator housing in which a single pin is disposed, the pins contacting generator housing for alignment the rotor with stator.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (703) 308-7626. The fax phone number for this Group is (703) 305-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0656.



Thanh Lam

Sept. 06, 2001



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